



Docket No. 10011139-1  
USPTO Ser. No. 10/047,240

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of the Application of: Snyder et al.  
Application No.: 10/047,240  
Filed: January 14, 2002  
For: Method and System for Improved Monitoring Measurement and  
Analysis of Communication Networks Utilizing Dynamically and  
Remotely Configurable Probes  
Examiner: Tran, Tuan A.  
Group Art Unit: 2686

**Comments to Examiner's Statement of  
Reasons for Allowance**

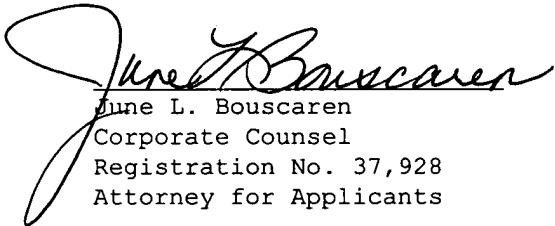
Dear Sir,

In response to Notice of Allowance dated, December 13, 2005, Applicant respectfully suggests that "inventive step" is not a statutory standard for patentability of invention. Instead, claims are considered and interpreted as a whole in view of the description, prior art and prosecution history. See Jones v. Hardy, 727 F.2d 1524 (C.A.F.C. 1984), "Hence the statute, the law established not by judges but by Congress, requires that the invention as claimed be considered 'as a whole' when considering whether that invention would have been obvious when it was made." Therefore, Applicant and the owner/assignee of the above-identified application do not acquiesce to any suggestion that patentability is predicated upon one or more specific limitations of the allowed

claims. Therefore, it is respectfully submitted that each claim speaks for itself, and any potential unwarranted interpretations placed on the claims by the Statement should be disregarded.

Respectfully submitted,

Snyder et al.  
Applicant(s)



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